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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

In re: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION

Case No. 3:07-cv-5944-SC

This Document Relates to:

MDL No. 1917

All Indirect Purchaser Actions

**DECLARATION OF GABRIEL A. FUENTES
IN SUPPORT OF MITSUBISHI ELECTRIC'S
ADMINISTRATIVE MOTION TO FILE
DOCUMENTS UNDER SEAL**

*Sharp Electronics Corp., et al. v. Hitachi
Ltd., et al.*, No. 13-cv-1173;

*Sharp Electronics Corp., et al. v.
Koninklijke Philips Elecs. N.V., et al.*, No.
13-cv-02776;

Siegel v. Hitachi, Ltd., et al., No. 11-cv-
05502;

Siegel v. Technicolor SA, et al., No. 13-cv-
05261;

Best Buy Co., et al. v. Hitachi, Ltd., et al.,
No. 11-cv-05513;

1 *Best Buy Co., et al. v. Technicolor SA, et al.*,
2 No. 13-cv-05264;

3 *Target Corp. v. Chunghwa Picture Tubes,*
4 *Ltd., et al.*, No. 11-cv-05514;

5 *Target Corp. v. Technicolor SA, et al.*, No.
6 13-cv-05686;

7 *Sears, Roebuck and Co. and Kmart Corp. v.*
8 *Chunghwa Picture Tubes, Ltd., et al.*, No.
9 11-cv-05514;

10 *Sears, Roebuck and Co. and Kmart Corp. v.*
11 *Technicolor SA, et al.*, No. 13-cv-05262;

12 *Viewsonic Corp. v. Chunghwa Picture*
13 *Tubes, Ltd., et al.*, No. 14-cv-02510.

14 **DECLARATION OF GABRIEL A. FUENTES**

15 I, Gabriel A. Fuentes, declare as follows:

16 1. I am an attorney licensed to practice law in the State of Illinois, and I am a Partner
17 at the law firm of Jenner & Block LLP, and attorney of record for Defendants Mitsubishi Electric
18 Corporation, Mitsubishi Electric US, Inc., and Mitsubishi Electric Visual Solutions America, Inc.
19 (collectively, “Mitsubishi Electric”). I submit this declaration in support of Mitsubishi Electric’s
20 Administrative Motion to File Documents Under Seal (the “Motion”). I have personal
21 knowledge of the facts set forth in this declaration and, if called as a witness, I could and would
22 testify competently to such facts under oath.

23 2. On June 18, 2008, this Court signed the stipulated Protective Order, (Case No.
24 3:07-cv-05944-SC, Dkt. No. 306), that allows a party to designate a document or deposition
25 testimony “Confidential” or “Highly Confidential” when that party believes the document or
26 testimony contains “trade secrets, or other confidential research, development, or commercial
27 information, within the meaning of Fed. R. Civ. P. 26(c); or other private or competitively
28

1 sensitive information for which special protection from public disclosure and from use for any
2 purpose other than prosecuting this litigation would be warranted.” *See id.* at 1-6.

3 3. When litigation materials are designated confidential pursuant to the Protective
4 Order, “a Party may not file [them] in the public record.” A party that seeks to file under seal any
5 Protected Material must comply with Civil Local Rule 79-5. *Id.* at 11.

6 4. Upon information and belief, the documents and information referenced in the
7 highlighted portions of Pages 2-5 and 9-11 of the Reply in Support of Mitsubishi Electric’s
8 Motions in Limine Nos. 1-3 (“Reply”) have been designated by certain Plaintiffs and Defendants
9 as “Confidential” or “Highly Confidential” under the terms of the Stipulated Protective Order
10 entered in this case. Mitsubishi Electric seeks to submit this material under seal in good faith in
11 order to comply with the Protective Order and this Court’s Local Rules. Because these Plaintiffs
12 and Defendants have designated content in these documents as “Confidential” or “Highly
13 Confidential,” it is their burden to establish that the designated material is in fact sealable. Civ.
14 L. R. 79-5(d).

15 5. Upon information and belief, the highlighted portions of Page 11 of the Reply
16 refers to information contained in Mitsubishi Electric’s 30(b)(6) deposition, which contains
17 confidential, nonpublic, proprietary, and highly sensitive information about Mitsubishi Electric’s
18 sales processes, business practices, internal practices, and confidential business and/or
19 competitive positions, and has been designated by Mitsubishi Electric as “Highly Confidential.”
20 I am informed and believe that this is sensitive information and public disclosure of this
21 information presents a risk of undermining Mitsubishi Electric’s business relationships, would
22 cause it harm with respect to its competitors and customers, and would put Mitsubishi Electric at
23 a competitive disadvantage.

24 I declare under penalty of perjury under the laws of the State of California and the United
25 States that the foregoing is true and correct.

Executed this 6th day of March, 2015 at Chicago, Illinois.

JENNER & BLOCK LLP

By: /s/ Gabriel A. Fuentes